

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT R TOLAN, *et al*,

Plaintiffs,

VS.

JEFFREY WAYNE COTTON, *et al*,

Defendants.

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CIVIL ACTION NO. H-09-1324

**ORDER ON DEFENDANTS' OBJECTIONS TO PLAINTIFFS' EXHIBITS SUBMITTED
IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

After the filing of the Plaintiff's response to their motion for summary judgment the Defendants Jeffrey Wayne Cotton and John C. Edwards filed objections to some of the summary judgment evidence submitted by the Plaintiffs. (Doc. 72).

The objections to Plaintiffs' Exhibits 1, 2, 3, 4, 8, 9 are MOOT. The Court, despite their apparent inadmissibility, nevertheless addressed the matters they support in its opinion on summary judgment.

The objections to Plaintiffs' Exhibit 10 and 11 are SUSTAINED. The photographs in Exhibit 10 were not disclosed to Defendants, and the Declaration of Chasen Goudeau, who allegedly took the photographs, is inadmissible because Goudeau was not disclosed as a potential witness.

The objections to Plaintiffs' Exhibit 13 are SUSTAINED.

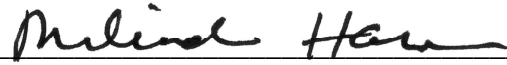
The objections to Plaintiffs' Exhibit 15 are SUSTAINED. The affidavits contained in this exhibit from people who do not claim a connection with the Defendants or the incident which forms the basis of this lawsuit are not relevant to the resolution to any of the claims

brought against the Defendants and are inadmissible.

The objections to Exhibit 17 are SUSTAINED.

The objections to Exhibit 18 are SUSTAINED.

SIGNED at Houston, Texas, this 31st day of March, 2012.

A handwritten signature in black ink, appearing to read "Melinda Harmon", is written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE